

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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TIMMINS SOFTWARE CORPORATION :  
d/b/a MITREND,  
:  
Plaintiff, : Civil Action  
v. : No. 19-12053-IT  
EMC CORPORATION d/b/a DELL EMC, : **ORAL ARGUMENT REQUESTED**  
DELL TECHNOLOGIES INC., and  
DELL INC., :  
Defendants. :  
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**DEFENDANTS' MOTION TO DISMISS  
COUNTS III, IV, VI AND VII OF THE AMENDED COMPLAINT**

Pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants EMC Corporation, Dell Technologies Inc. and Dell Inc. (collectively, "Dell") hereby move this Court to dismiss Counts III, IV, VI and VII of the Amended Complaint. The grounds for this motion are set forth in Dell's memorandum of law submitted herewith.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Dell respectfully requests oral argument on its Motion.

**LOCAL RULE 7.1 CERTIFICATION**

The undersigned counsel for Dell hereby certifies that they have conferred with Plaintiff's counsel in a good faith attempt to resolve or narrow the issues raised herein but were unable to obtain the Plaintiff's assent to the relief requested.

Dated: December 13, 2019  
Boston, Massachusetts

Respectfully submitted,

/s/ Kurt Wm. Hemr

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